

Article - General Provisions

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§4-1A-02.

- (a) (1) The Board consists of five members.
- (2) (i) One member of the Board shall be a representative:
 - 1. from a nongovernmental nonprofit group that is organized in the State;
 - 2. who works on issues related to transparency or open government; and
 - 3. who is nominated by representatives of the open government and news media communities.
- (ii) One member of the Board shall:
 - 1. have knowledge of the provisions of this title;
 - 2. have served as an official custodian in the State as defined in § 4-101(d) of this title; and
 - 3. be nominated by the Maryland Association of Counties and the Maryland Municipal League.
- (iii) 1. Three members of the Board shall be private citizens of the State.
- 2. A private citizen member of the Board may not be:
 - A. a custodian of a public record;
 - B. a member of the news media; or
 - C. a staff member or spokesperson for an organization that represents the interests of custodians or applicants for public records.
- (3) At least one member of the Board shall be an attorney admitted to the Maryland Bar.

(4) (i) The Governor shall publish, on the Web site of the Office of the Governor, notice of the Governor's intent to consider applicants for positions on the Board.

(ii) The notice shall include:

1. application procedures;
2. criteria for evaluating an applicant's qualifications;
3. procedures for resolving any conflicts of interest.

and

(iii) The Governor shall solicit recommendations for positions on the Board from representatives of the custodian, news media, and nonprofit communities.

(iv) 1. An individual may submit to the Governor an application for membership on the Board as provided under subparagraph (ii) of this paragraph.

2. The names and qualifications of applicants shall be posted on the Web site of the Office of the Governor.

(v) When evaluating an applicant, the Governor shall:

1. consider the need for geographic, political, racial, ethnic, cultural, and gender diversity on the Board; and
2. ensure the neutrality of the Board.

(5) Subject to paragraphs (2) and (3) of this subsection and with the advice and consent of the Senate, the Governor shall appoint the members of the Board from the pool of applicants under paragraph (4) of this subsection.

(b) From among the members of the Board, the Governor shall appoint a chair.

(c) (1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Board on October 1, 2015.

(3) At the end of a term, a member continues to serve until a successor is appointed.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed.

(5) A member may not serve for more than two consecutive 3-year terms.

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